

ATLANTIC CASUALTY INSURANCE CO.,
Plaintiff,

v.

RED BRICK COURTYARD, LLC,
SELIM LAHOUD, and GERARD SAULNIER,
Defendants.

**CIVIL ACTION
NO. 13-12528-DHH**

July 22, 2014

On October 8, 2013, Atlantic Casualty Insurance Company (“Atlantic”) filed a declaratory judgment action against defendants Red Brick Courtyard, LLC (“Red Brick”), Selim Lahoud, and Gerard Saulnier seeking to determine Atlantic’s rights and obligations under a policy of liability insurance issued to Red Brick. (Docket #1). The underlying dispute giving rise to the claim for liability insurance is a bodily injury lawsuit filed by Saulnier against Red Brick and Lahoud in Worcester Superior Court that is presently stayed due to Red Brick’s bankruptcy. (Dockets #1, 8). (Id.). On March 5, 2014, there being no return to the Court of proof of service of the summons and complaint as required by Local Rule 4.1(b) and Federal Rule of Civil Procedure 4(m), this Court issued an order stating that the action would be dismissed without prejudice within twenty-one days unless a proof of service was filed in the interim or good cause was shown as to why service had not been made. (Docket #6). On March 25, 2014, Atlantic filed a status report stating that it had been unable to complete service on the

defendants because Red Brick was the subject of a pending bankruptcy proceeding and all defendants had declined to accept service or were not sufficiently operational to do so. (Docket #8). In the status report, Atlantic requests that the Court stay the present action. (Id.).

The Court hereby stays the present action. Atlantic shall effect service on the defendants within thirty days of Red Brick's discharge from bankruptcy. While the Court could allow the action to proceed against Lahoud and Saulnier, Atlantic has not requested and the Court will not order bifurcation. Atlantic shall file a status report with this Court on January 2, 2015 on the status of the Red Brick bankruptcy proceedings if Red Brick has yet to be discharged from bankruptcy.

/S/ David H. Hennessy

David H. Hennessy

UNITED STATES MAGISTRATE JUDGE